

**REMARKS**

This Amendment is responsive to the Final Action dated August 12, 2004. The claim amendments included herein are merely clarifying amendments and are not meant to change the intended scope of the claims. Thus, the amendments present the rejected claims in better form for consideration on appeal, and should be entered in due course. Moreover, the amendments are manifest, requiring only a cursory review by the Examiner, thereby providing additional ground for their entry.

Claims 1-20 were pending in the application. In the Final Action, claims 1-20 were rejected. In this Amendment, claims 1 and 11 have been amended. Claims 1-20 thus remain for consideration

Applicants submit that claims 1-20 are now in condition for allowance and request reconsideration and withdrawal of the rejections in light of the following remarks.

**§103 Rejections**

Claims 1, 3, 11 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ismail et al. (U.S. Patent No. 6,614,987) in further view of Berstis (U.S. patent No. 6,564,005).

Claims 2 and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ismail in further view of Berstis, Segman (U.S. Patent No. 6,301,619), and Shah-Nazaroff et al. (U.S. Patent No. 6,317,881).

Claims 4 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ismail in further in view of Berstis, Shah-Nazaroff, and Lalwer (U.S. Patent No. 5,758,259).

Claims 5 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ismail in further view of Berstis and Amano et al. (U.S. Patent No. 5,585,865).

Claims 6 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ismail in further view of Berstis and Schulhof et al. (U.S. Patent No. 5,572,442).

Claims 7 and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ismail in further view of Berstis, Schulhof and Sprague et al. (U.S. Patent No. 5,247,575).

Claims 8 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ismail in further view of Berstis and Hendricks et al. (U.S. Patent No. 5,798,785).

Claims 9 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ismail in further view of Berstis, Hendricks and Seth-Smith et al. (U.S. Patent No. 4,829,569).

Claims 10 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ismail in further view of, Berstis, Hendricks, Seth-Smith and Sprague.

Applicants respectfully submit that the independent claims (claims 1 and 11) are patentable over Ismail, Berstis, Segman, Shah-Nazaroff, Lalwer, Amano, Schulhof, Sprague, Hendricks and Seth-Smith.

Applicants' invention as recited in the independent claims is directed toward a broadcasting system and receiving apparatus which receive digital contents and corresponding attributive information. Each of the claims recites receiving means for receiving digital contents and attributive information, and selecting means for selecting from the digital contents by comparing selective information showing a user's taste with the attributive information. Each of the claims further recites that "said selecting means can be switched on or off as desired such that

it can filter said digital contents upon output by [an] output means or upon recording on [a] recording medium.”

None of the cited references discloses a digital contents receiving system that includes a selecting means for filtering the digital contents by comparing selective information showing a user's taste with attributive information for the contents, wherein the selecting means can be switched on or off as desired such that it can filter the digital contents upon output by an output means or upon recording on a recording medium. Accordingly, Applicants believe that claims 1 and 11 are patentable over the cited references – taken either alone or in combination – on at least this basis.

Claims 2-10 depend on claim 1. Since claim 1 is believed to be patentable over the cited references, claims 2-10 are believed to be patentable over the cited references based at least on their dependency on claim 1.

Claims 12-20 depend on claim 11. Since claim 11 is believed to be patentable over the cited references, claims 12-20 are believed to be patentable over the cited references based at least on their dependency on claim 11.

Applicants respectfully submit that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for

the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicants' undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.


If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,

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